

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	Civil Action No: 08-748
v.)	
STOUGHTON TRAILERS, LLC,)	<u>COMPLAINT</u>
Defendant.)	(Jury Trial Demand)
_____)	

NATURE OF THE ACTION

This is an action brought against Stoughton Trailers LLC under Title I of the Americans with Disabilities Act of 1990 (“ADA”) and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Jeffrey Willis, an employment applicant who is profoundly deaf. Specifically, Stoughton Trailers LLC discriminated against Mr. Willis by failing to hire him because of his disability.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e-5(f) (1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices hereafter alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Wisconsin.

PARTIES

3. The plaintiff, Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with administering, interpreting, and enforcing

Title I of the ADA, and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, the defendant, Stoughton Trailers, LLC (“Stoughton Trailers”), has continuously been and is now a corporation doing business in the State of Wisconsin and has continuously had and does now have at least 15 employees.

5. At all relevant times, Stoughton Trailers has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Stoughton Trailers has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than 30 days prior to the institution of this lawsuit, Jeffrey Willis (“Willis”) filed a charge with the EEOC alleging violations of Title I of the ADA by Stoughton Trailers. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning on or about April 2004, Stoughton Trailers engaged in an unlawful employment practice at its facility in Stoughton, Wisconsin, in violation of Title I of the ADA, 42 U.S.C. § 12112(a) and (b)(5)(A) and (B), by failing to hire Mr. Willis because of his disability.

9. The effect of the practices complained of in Paragraph 8 above has been to deprive Mr. Willis of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability in violation of Title I of the ADA, 42 U.S.C. § 12112.

10. The unlawful employment practices complained of above in Paragraph 8 were intentional.

11. The unlawful employment practices complained of above in Paragraph 8 were done with malice or with reckless indifference to Mr. Willis' federally-protected rights.

PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Stoughton Trailers and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of disability;

B. Order Stoughton Trailers to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities and which eradicate the effects of its past and present unlawful employment practices;

C. Order Stoughton Trailers to make Mr. Willis whole by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including front pay;

D. Order Stoughton Trailers to make Mr. Willis whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 8 above, including (but not limited to) job search expenses and medical expenses, in amounts to be determined at trial;

E. Order Stoughton Trailers to make Mr. Willis whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in Paragraph 8 above, including (but not limited to) emotional pain, suffering, loss of enjoyment of life, and humiliation, in an amount to be determined at trial;

F. Order Stoughton Trailers to pay Mr. Willis punitive damages for its malicious or reckless conduct, as described in Paragraph 8 above, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public

interest; and

H. Award the EEOC its costs in this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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EQUAL EMPLOYMENT OPPORTUNITY
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Dated: December 22, 2008

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